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**Cc:** Kathleen Goforth[Goforth.Kathleen@epa.gov]  
**From:** Johnson, Kathleen  
**Sent:** Fri 10/16/2015 12:39:21 AM  
**Subject:** Next Version Bay Delta Letter  
WaterFixCoverLetter 101515 incorporating CG TH TV edits.docx

**Attachment Withheld; Ex 5 Deliberative**

All,

Attached is the latest working draft of the cover letter for the Bay Delta/Water Fix project. In this version, I highlighted in yellow edits from Cynthia on the first page and also additional language Kathy and I added to the last page – to address the expected reaction that this will cause a delay.

I think we have effectively highlighted that *the federal action* which is at issue here is the operation of the system. The tunnel and intake construction , etc. is an action the state is undertaking and must be done before the federal action. This oddity is a hold over from the conversion from a broad-based Habitat Conservation Plan to this more limited tunnel project and associated activity for BOR.

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